

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
ROCKY TOP ROCK)
ATTN: MR. BERT R. McNEEL JR.)
P.O. BOX 3283)
ALPINE, WY 83128)
RE: LIMITED MINING OPERATION NO. 908ET)

DOCKET NO. 4124-07

NOTICE

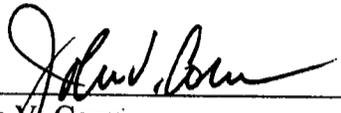
NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On July 26, 2007, an Annual Inspection of Rocky Top Rock, Limited Mining Operation No. 908ET, was conducted by John Erickson of the Land Quality Division, District II. The pit is located in the SW¼SE¼ Sec. 10, T.35N., R.119W., Lincoln County, Wyoming.
3. During the inspection, Mr. Erickson measured the area affected by mining using Global Positioning System equipment. Mining disturbances were found to affect 15.4 acres.
4. Affecting more than 10 acres is a violation of Wyoming Statute §35-11-401(e)(vi), which allows exempt mining operations to remove gravel from an area of 10 acres or less of affected land.
5. The operator has not posted an adequate reclamation bond. Rocky Top Rock did not respond to Land Quality Division letters dated September 24, 2002 and March 27, 2003 which requested a bond increase to cover the 10 acres of land that was estimated to be affected at that time. The currently affected area of 15.4 acres will require a total bond of \$15,400, an increase of \$12,400 from the current bond of \$3,000.
6. Failure to post bond is a violation of Wyoming Statute §35-11-401(e)(vii) which requires the operator to file a bond to insure reclamation ... in the amount of \$1,000.00 per acre of affected land.
7. Rocky Top Rock failed to file an annual report in 2006 and 2007.
8. Failure to file an annual report is a violation of Wyoming Statute §35-11-401(k) which states that an operator shall file an annual report on or within 30 days prior to the anniversary date of the operation.
9. Rocky Top Rock has not posted a permit identification sign.
10. Failure to post a permit identification sign at the entrance to the pit, listing the operator's name, address, telephone number, and the LQD limited mining operation number, is a violation of Land Quality Division Rules and Regulations, Chapter 10, Section 4.(a).
11. Rocky Top Rock has not adequately salvaged all topsoil. Existing topsoil stockpiles are not identified with signs.
12. Failure to salvage all topsoil and identify topsoil stockpiles with signs is a violation of Land Quality Division Rules and Regulations, Chapter 10, Section 4. (b)

13. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 7 day of Aug, 2007



John V. Corra
Director
Department of Environmental Quality



Richard A. Chancellor
Administrator
Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.